

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1470 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 human services.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 12-7-2-72 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 72. "Drug abuse", for
- 8 purposes of **IC 12-14-30 and IC 12-23**, means:
- 9 (1) psychological or physical dependence on the effect of drugs
- 10 or harmful substances; or
- 11 (2) abuse of the use of drugs or harmful substances;
- 12 that is harmful to the individual or society.
- 13 SECTION 2. IC 12-7-2-87.9 IS ADDED TO THE INDIANA CODE
- 14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 15 1, 2009]: **Sec. 87.9. "Food stamp program", for purposes of**
- 16 **IC 12-14-30, means the federal Food Stamp Program under 7**
- 17 **U.S.C. 2011 et seq.**
- 18 SECTION 3. IC 12-14-30 IS ADDED TO THE INDIANA CODE
- 19 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2009]:
- 21 **Chapter 30. Drug Testing Under the Temporary Assistance for**
- 22 **Needy Families Program and the Food Stamp Program**
- 23 **Sec. 1. This chapter applies to the following:**
- 24 (1) Each individual eligible for assistance under the TANF

program or the food stamp program who:

(A) is at least eighteen (18) years of age; and

(B) applies for or receives assistance under the TANF program or the food stamp program.

(2) Each individual who:

(A) resides with an individual described in subdivision (1); and

(B) is at least eighteen (18) years of age.

Sec. 2. (a) The division shall establish a random drug abuse testing program, participation in which is a condition for individuals applying for or receiving assistance under the TANF program or the food stamp program.

(b) The division shall develop and implement a drug abuse testing program under this chapter that includes the following:

(1) Testing of randomly selected individuals under the TANF program and the food stamp program.

(2) A urinalysis test.

(3) An appeals process for individuals.

(c) A county office may administer additional drug tests to an individual who is eligible for assistance under the TANF program or the food stamp program if the individual:

(1) is arrested or indicted on charges involving the illegal use of a controlled substance;

(2) is under investigation by the county office or a prosecuting attorney's office for alleged child abuse or neglect;

(3) commits an act or omission that is grounds for revoking the individual's assistance under the TANF program or the food stamp program according to a rule adopted by the division under IC 4-22-2; or

(4) has tested positive for drug abuse under this chapter.

Sec. 3. (a) If an individual who is tested for drugs under this chapter:

(1) tests positive for the presence in the individual's body of a:

(A) controlled substance (as defined in IC 35-48-1-9); or

(B) legend drug (as defined in IC 16-18-2-199); and

(2) does not possess a valid prescription for the controlled substance or legend drug;

the individual is ineligible to receive assistance under the TANF program or the food stamp program.

(b) An individual who refuses to take a drug test required under this chapter without good cause is ineligible to receive assistance under the TANF program or the food stamp program.

Sec. 4. An individual tested under this chapter is not considered to have tested positive for the presence of a controlled substance or legend drug in the individual's body until the sample obtained from the original test has been retested to rule out a false positive.

Sec. 5. An individual who is ineligible to receive assistance under

1 section 3 of this chapter may reapply for assistance under the
2 TANF program or the food stamp program on the earlier of:

- 3 (1) six (6) months after the date the individual tested positive
4 for illegal drugs under section 3 of this chapter; or
5 (2) the date the individual complies with and completes a drug
6 abuse assessment or treatment plan.

7 Sec. 6. A dependent child's eligibility for assistance under the
8 TANF program or the food stamp program is not affected by this
9 chapter.

10 Sec. 7. A county office may contract with a private or public
11 entity or an individual to perform the drug tests required under
12 this chapter.

13 Sec. 8. The division may adopt rules under IC 4-22-2 necessary
14 to implement this chapter.

15 SECTION 4. IC 12-15-2-23 IS ADDED TO THE INDIANA CODE
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2009]: Sec. 23. A person who is ineligible for public assistance as
18 described in IC 12-14-30 is ineligible to receive Medicaid assistance
19 under this article.

20 SECTION 5. [EFFECTIVE UPON PASSAGE] (a) As used in this
21 SECTION, "office" refers to the office of Medicaid policy and
22 planning established by IC 12-8-6-1.

23 (b) Before July 1, 2009, the office shall apply to the United
24 States Department of Health and Human Services for approval to
25 amend the state Medicaid plan to limit eligibility for individuals
26 who are ineligible for public assistance under IC 12-14-30, as
27 added by this act.

28 (c) The office may not implement the amendment to the state
29 Medicaid plan until the office files an affidavit with the governor
30 attesting that the amendment applied for under this SECTION is
31 in effect. The office shall file the affidavit under this subsection not
32 later than five (5) days after the office is notified that the
33 amendment is approved.

34 (d) If the office receives approval to amend the state Medicaid
35 plan under this SECTION from the United States Department of
36 Health and Human Services and the governor receives the affidavit
37 filed under subsection (c), the office shall implement the

1 **amendment not later than five (5) days after the governor receives**
2 **the affidavit.**

3 **(e) This SECTION expires December 31, 2013."**

4 Renumber all SECTIONS consecutively.

(Reference is to HB 1470 as printed February 20, 2009.)

Representative Neese